



STATUTE OF LIMITATIONS QUICK GUIDE (DURING COVID- 19 PANDEMIC)

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OVERVIEW

Written by USLAW NETWORK member attorneys, the Compendium takes advantage of local knowledge and experience in each of the jurisdictions in which USLAW NETWORK firms practice.

Contents

ALABAMA	3
ARIZONA.....	4
ARKANSAS	4
CALIFORNIA	5
COLORADO	7
CONNECTICUT	8
DELAWARE	9
FLORIDA	10
GEORGIA.....	11
HAWAII	11
IDAHO.....	12
ILLINOIS.....	13
INDIANA	14
IOWA.....	16
KANSAS	17
KENTUCKY.....	18
LOUISIANA.....	20
MARYLAND	21
MASSACHUSETTS.....	23
MICHIGAN	24
MINNESOTA.....	26
MISSISSIPPI	27
MISSOURI	28
MONTANA	28
NEBRASKA.....	28
NEVADA.....	29
NEW HAMPSHIRE	30
NEW JERSEY	31
NEW MEXICO.....	33
NEW YORK.....	33
NORTH CAROLINA	35
NORTH DAKOTA.....	36
OHIO	36
OKLAHOMA	38
OREGON.....	40
PENNSYLVANIA.....	42

RHODE ISLAND	44
SOUTH CAROLINA.....	45
SOUTH DAKOTA	47
TENNESSEE	47
TEXAS.....	48
UTAH	51
VIRGINIA	52
WASHINGTON	53
WEST VIRGINIA	54
WISCONSIN	57
WYOMING	58
WASHINGTON, D.C.....	58

This Compendium outline contains a brief overview of certain laws concerning various litigation and legal topics. The compendium provides a simple synopsis of current law and is not intended to explore lengthy analysis of legal issues. This compendium is provided for general information and educational purposes only. It does not solicit, establish, or continue an attorney-client relationship with any attorney or law firm identified as an author, editor, or contributor. The contents should not be construed as legal advice or opinion. While every effort has been made to be accurate, the contents should not be relied upon in any specific factual situation. These materials are not intended to provide legal advice or to cover all laws or regulations that may be applicable to a specific factual situation. If you have matters or questions to be resolved for which legal advice may be indicated, you are encouraged to contact a lawyer authorized to practice law in the state for which you are investigating and/or seeking legal advice.

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EXTENDED STATUTES OF LIMITATIONS DURING THIS TIME OF COVID-19

Alabama has not extended applicable Statutes of Limitation during the COVID-19 pandemic.

On March 13, 2020, the Alabama Supreme Court issued its initial Administrative Order, In Re: COVID-19 Pandemic Emergency Response. While that Order did extend certain time periods related to deadlines which were “set by or subject to regulation of” the Alabama Supreme Court, the Order expressly provided: “This Court cannot extend any statutory period of repose or statute of limitations period.”

The Alabama Supreme Court further emphasized, in its Administrative Order No. 3, issued on March 17, 2020: “This Court’s [initial] Order shall not be interpreted as extending any statutory period of repose, any statute of limitations, or jurisdictional limitation provided for by statute or rule.”

TEMPORARY RULES EXTENDING TIME LIMITS TO SERVE COMPLAINTS AND/OR SPECIAL RULES RELATING TO METHODS OF SERVICE

No changes have been made to any rules regarding the time for service or Complaints or the legal methods of service.

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EXTENDED STATUTES OF LIMITATIONS DURING THIS TIME OF COVID-19

Arizona does not have extended statutes of limitations during COVID-19.

TEMPORARY RULES EXTENDING TIME LIMITS TO SERVE COMPLAINTS AND/OR SPECIAL RULES RELATING TO METHODS OF SERVICE

There have not been any temporary rules extending time limits to serve complaints.

Pursuant to Administrative Order No. 2020-055, from April 1, 2020, through April 30, 2020 documents may be served by email to the email address of the party or, if represented, counsel for the party being served, and such service is deemed completed upon electronic transmission. The serving party shall use the email address the receiving party has identified in the caption. This special rule relating to methods of service expired on April 30, 2020 and was not extended.

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EXTENDED STATUTES OF LIMITATIONS DURING THIS TIME OF COVID-19

Arkansas has not extended any statutes of limitations during the time of COVID-19.

TEMPORARY RULES EXTENDING TIME LIMITS TO SERVE COMPLAINTS AND/OR SPECIAL RULES RELATING TO METHODS OF SERVICE

On April 28, 2020, the Supreme Court of Arkansas announced the indefinite suspension of the time requirements under Arkansas Rules of Civil Procedure 4(i) (Time for Service of Complaint), 33(b) (Time to Respond to Interrogatories), 34(b) (Time to Respond to Requests for Production of Documents), 36(a) (Time to Respond to Requests for Admission), and District Court Rule 3 (Time for Service of Complaint). *In re Response to the COVID-19 Pandemic-Amendments to Court Rules*, 2020 Ark. 164 (per curiam). However, on May 8, 2020, the Court rescinded the suspension of time requirements under Ark. R. Civ. P. 33(b), 34(b), and 36(a). The Court directed that all discovery suspended between April 28-May 8 was due by May 22 or the original due date of the discovery whichever was later.

Under both the Arkansas Rules of Civil Procedure and District Court Rules, a defendant must be served within 120 days of filing of the complaint. But, as of November 24, 2020, Arkansas Rule of Civil Procedure 4(i) and District Court Rule 3 are still suspended indefinitely.

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EXTENDED STATUTES OF LIMITATIONS DURING THIS TIME OF COVID-19

On March 27, 2020, the California Governor issued an order giving the Judicial Council of California authority to adopt emergency rules in response to the COVID-19 pandemic. Under that order, the Judicial Council adopted Emergency Rule 9.

The initial version of Emergency Rule 9, issued April 6, 2020 tolled the statute of limitations for civil actions from April 6, 2020, until 90 days after the Governor lifts the state of emergency. The rule was later amended on May 29, 2020, to provide specific dates to end the tolling periods, thereby creating greater certainty for litigants.

Amended Emergency Rule 9 creates two tolling periods which depends on the length of the pertinent statute of limitation. Under Rule 9(a), statutes of limitations that exceed 180 days are tolled from April 6, 2020, until October 1, 2020. Under Rule 9(b), statutes of limitations of up to 180 days are tolled from April 6, 2020, until August 3, 2020.

TEMPORARY RULES EXTENDING TIME LIMITS TO SERVE COMPLAINTS AND/OR SPECIAL RULES RELATING TO METHODS OF SERVICE

No changes have been made to the rules relating to the time limits to serve a summons and complaint or methods to serve a summons and complaint.

The Judicial Council did, however, enact Emergency Rule 11 which authorized electronic service of certain documents after a party appears in an action. Emergency Rule 11 was repealed on November 13, 2020, after the legislature codified amendments to the rules relating to electronic service enumerated in *California Code of Civil Procedure* section 1010.6. The changes to Section 1010.6 went into effect on September 18, 2020. Under *California Code of Civil Procedure* 1010.6, for cases filed after January 1, 2019, any party who is represented by counsel and has already appeared in an action must now accept electronic service of a document that may be served by mail, express mail, overnight delivery, or facsimile transmission. Before first serving a represented party electronically, the serving party must confirm by telephone or email the appropriate electronic service address for counsel being served. In addition, it requires a party represented by counsel, upon request of any party who has appeared and provides an electronic service address, to electronically serve any notice or

document that may be served by mail, express mail, overnight delivery, or facsimile transmission.

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EXTENDED STATUTES OF LIMITATIONS DURING THIS TIME OF COVID-19

As of November 30, 2020, Colorado has not created any rules extending statutes of limitations during the COVID-19 pandemic.

TEMPORARY RULES EXTENDING TIME LIMITS TO SERVE COMPLAINTS AND/OR SPECIAL RULES RELATING TO METHODS OF SERVICE

As of November 30, 2020, Colorado has not enacted any blanket rules regarding extending the time to serve complaints. However, pursuant to Governor Polis' Executive Order D 2020 223, landlords are required to provide additional notice and opportunity to cure for any default or nonpayment which occurred after March 10, 2020. Specifically, Governor Polis suspended the portions of C.R.S. §§ 38-12-204(1), 38-12-204.3(2), and 13-40-104(1)(d) which require either three, five, or ten days' notice to tenants. Instead, landlords must provide thirty days' notice before initiating an action for forcible entry and detainer. The executive order is currently in effect through December 19, 2020 but is likely to be extended continuously throughout the pandemic.

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EXTENDED STATUTES OF LIMITATIONS DURING THIS TIME OF COVID-19

On September 1, 2020, Connecticut's Governor Ned Lamont continued the tolling of statutes of limitations through February 9, 2021. The following provides some background and insight on Connecticut's tolling period.

On March 19, 2020, the Governor's Executive Order No. 7G tolled all statutes of limitations and filing deadlines until the end of the declared State of Emergency, or until otherwise ordered. Specifically, Executive Order No. 7G extended all statutory (1) location or venue requirements; (2) time requirements, statutes of limitation or other limitation or deadlines relating to service of process, court proceedings or court filings; and (3) all time requirements or deadlines related to the Supreme, Appellate and Superior courts or their judicial officials to issue notices, hold court, hear matters and/or render decisions.

On June 10, 2020, Executive Order No. 7YY restored all requirements and filing deadlines for the Connecticut Appellate and Supreme Courts, but not the Superior Court.

On August 21, 2020, Executive Order 7000 modified 7G to state that the suspension of deadlines and requirements shall not apply to defaults and nonsuits in civil or family matters. A July 28, 2020 had previously restored deadlines in child protective matters. The later executive orders stated that the Judicial Branch would issue its own notices regarding resumption of operations and deadlines, but so far has not issued an order restoring all Superior Court deadlines.

On September 1, 2020, the Governor issue Executive Order No. 9L, which extended the State of Emergency, including all executive order issues thereunder, through February 9, 2021.

Executive Order No. 9L effectively extends the tolling of statutes of limitations as well as deadlines for all Superior Court filings.

TEMPORARY RULES EXTENDING TIME LIMITS TO SERVE COMPLAINTS AND/OR SPECIAL RULES RELATING TO METHODS OF SERVICE

Under Conn. Gen. Stat. §52-46, civil process must be served at least twelve days before a complaint is returnable to court. This time limitation remains tolled under 7G as amended by 9L, which expressly tolled all time limitations relating to service of process.

As far as special rules for methods of service, Connecticut has not enacted specific rules regarding changes to methods of service.

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EXTENDED STATUTES OF LIMITATIONS AND SERVICE OF PROCESS RULES DURING THIS TIME OF COVID-19

As of July 1, 2020, the tolling period in Delaware expired and was not extended. The following information explains Delaware's tolling period.

On March 12, 2020, Delaware Governor John C. Carney declared a State of Emergency which has been extended from time to time, most recently on November 25, 2020. Pursuant to 10 Del. C. § 2004, the Chief Justice for the Supreme Court of the State of Delaware likewise declared a judicial emergency. The judicial emergency has been extended as recently as

December 2, 2020 when the Delaware Supreme Court issued its Administrative Order No. 14 Extension of Judicial Emergency.

Regarding the suspension of Statutes of Limitations/Repose and Filing Deadlines, the Supreme Court issued Administrative Order No. 3 on March 22, 2020 extending temporarily the expiration dates of statutes of limitations and statutes of repose as well as any expiration of deadlines in the rules of the various courts, including service of process. This extension was extended from time to time until the Administrative Order No. 7 on June 5, 2020. Administrative Order No. 7 extended the various deadlines through July 1, 2020. Any deadlines after June 30, 2020 were not tolled and no further extensions have been granted.

Pursuant to Administrative Order No. 14, the courts shall continue to operate under “Phase 2” of the Reopening Plan as set forth in Administrative Order No. 7 and Administrative Order No. 13. Currently, the following requirements continue to be suspended: Administrative Order No. 3 regarding the suspension of any requirements for sworn declarations, verifications, certificates, statements, oaths, or affidavits in filings with the various courts remain in effect.

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Florida has not extended statutes of limitations during this time of COVID-19.

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EXTENDED STATUTES OF LIMITATIONS DURING THIS TIME OF COVID-19

Per the Georgia Supreme Court's Fourth Order Extending Declaration of Statewide Judicial Emergency, litigants shall comply with the normal deadlines applicable in all cases filed on or after July 14, 2020.

TEMPORARY RULES EXTENDING TIME LIMITS TO SERVE COMPLAINTS AND/OR SPECIAL RULES RELATING TO METHODS OF SERVICE

Per the Georgia Supreme Court's Fourth Order Extending Declaration of Statewide Judicial Emergency, the tolling of time limits to serve complaints ended on July 14, 2020.

There were no special rules created because of COVID-19 related to methods of service.

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EXTENDED STATUTES OF LIMITATIONS DURING THIS TIME OF COVID-19

As of this writing, Idaho has not extended any statutes of limitations in response to COVID-19.

TEMPORARY RULES EXTENDING TIME LIMITS TO SERVE COMPLAINTS AND/OR SPECIAL RULES RELATING TO METHODS OF SERVICE

A. Idaho State Courts

Under the Idaho Rules of Civil Procedure, service of a summons must be made with 182 days after the complaint is filed.¹ As of this writing, Idaho has not put into effect any temporary rules extending deadlines for service of complaints or any special rules relating to methods of service.

B. Idaho State Agencies

The Idaho State Board of Medicine temporarily suspended some administrative rules in response to COVID-19. This information was included in the Appendix to Proclamation Signed by Governor Little on March 23, 2020 Regarding Temporary Suspension of Administrative Rules; the Appendix to Proclamation Signed by Governor Little on June 11, 2020 Regarding Temporary Suspension of Certain State Regulations; and the Appendix to Proclamation Signed by Governor Little on August 7, 2020 Regarding Temporary Suspension of Certain State Regulations. IDAPA

¹ I.R.C.P. 4(b)(2).

22.01.05.125, which deals with notice of complaints, is one of the rules that has been temporarily suspended.² IDAPA 22.01.05.125 states,

The Board will notify in writing, a licensee under investigation within ten days of the commencement of the investigation, and will provide an opportunity for any licensee under investigation to meet with the Committee on Professional Discipline or Board staff before the initiation of formal disciplinary proceedings by the board.

As of this writing, IDAPA 22.01.05.125 is still suspended.³

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STATUTE OF LIMITATIONS DURING COVID-19

Illinois' sole COVID-19 statute of limitation tolling exception exists in the Court of Claims and only during a Gubernatorial Disaster Proclamation. "Pursuant to the disaster proclaimed by the Governor in Gubernatorial Proclamation number 2020-038, the statute of limitations for filing claims in the Illinois Court of Claims ... is tolled for the pendency of this disaster and for a period of 30 days thereafter." (Ill.

²

https://bom.idaho.gov/BOMPortal/BOM/Procedures/Temporary_Suspension_of_Rules_for_COVID-19_Response.pdf.

³ Id.

Admin. Code tit. 74, § 790.4(d)).

Prior to Governor Pritzker's November 13, 2020 Disaster Proclamation there were no statute of limitation tolling exceptions in Illinois. The November 13, 2020 Disaster Proclamation is set to expire December 12, 2020.

SERVICE DURING COVID-19

The COVID-19 pandemic generally should not affect how a case is commenced in Illinois. Illinois circuit courts and court clerk's offices generally remain open to accept filings, including case-initiating documents such as complaints and summonses. (Westlaw Impact of COVID-19 on Illinois Practice: Overview, Practical Law Practice Note Overview 024-8124). Counsel must still e-file case-initiating documents unless an e-filing exemption applies. (Illinois Supreme Court Rule 101(a)).

There have been various changes to rules regarding summons and initial appearances. Counsel should refer to Illinois Supreme Court Rule 101 and 283, as amended, for proper summons formula.

Additionally, all residential eviction proceedings have been halted by Executive Order 2020-72.

If difficulty during service is encountered because of COVID-19 restrictions, counsel may consider moving the court to enter an order directing a comparable method of service pursuant to 735 ILCS 5/2-203.1.

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EXTENDED STATUTES OF LIMITATIONS DURING THIS TIME OF COVID-19

The following information explains information that has been put forth regarding Indiana's tolling period.

On March 6, 2020, Governor Eric Holcomb declared a public health emergency in Indiana due to COVID-19. Holcomb subsequently issued Executive Order 20-08, placing statewide restrictions on travel and business operations; followed by Executive Order 20-09, which closed State government offices, including the Indiana Statehouse and Government Center campuses, to the public.

On March 16, 2020, following these Executive Orders, the Indiana Supreme Court issued an Order acknowledging that COVID-19 would likely impact litigants and courts ability to comply with statutory deadlines. The Order further states that all trial courts "should consider whether local needs warrant petition for any of the following emergency measures under Indiana Administrative Rule 17," including "[t]olling for a limited time all laws, rules and procedures setting time limits for speedy trials in criminal and juvenile proceedings, public health, mental health, and appellate matters; all judgments support, and other orders; and in all other civil and criminal matters before all State of Indiana trial courts."

On March 23, 2020, the Indiana Supreme Court, on its own motion, declared an emergency of the Indiana Supreme Court and Clerk of Courts and ordered the tolling and suspension of several deadlines through April 6, 2020. These deadlines include: (1) tolling of all laws, rules and procedures setting time limits for appellate filings; (2) suspension of Appellate Rule 23(A)(1), regarding filing by personal delivery to the Clerk; (3) to the extent not provided by emergency relief under Administrative Rule 17, tolling of all laws, rules and procedures setting time limits for speedy trials in criminal and juvenile proceedings, public health, mental health and appellate matters; all judgments, supports and other orders, **statute of limitations**; and in all other civil and criminal matters before the Indiana Tax Court and all trial courts. The statute of limitations relief was extended through May 30, 2020. While the Supreme Court chose to extend some civil deadlines through August 14, 2020, it expressly left out any mention of statute of limitations.

More recently, on November 10, 2020, the Indiana Supreme Court issued an Order On Continued Emergency Actions, again noting that judges have broad authority in accessing the needs of their locale and to adjust court operations, as necessary. The November 10 Order further states “...if local needs require broad emergency action.....trial courts may petition the Supreme Court....for authority to take more extensive measures, including: (1) tolling rules and procedures setting time limits in (a) civil matters and; (b) criminal matters other than trials...” To date, no trial court has petitioned the Indiana Supreme Court since November 10, requesting the authority to toll procedures setting time limits.

Currently, there are no explicit orders extending the statute of limitations. While it is possible that a trial court could petition the Indiana Supreme Court for authority to toll the statute of limitations, none have done so yet

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EXTENDED STATUTES OF LIMITATIONS DURING THIS TIME OF COVID-19

The Iowa Supreme Court has issued various orders responding to COVID-19 at

<https://www.iowacourts.gov/iowa-courts/covid-19-information-and-updates/>. The Court has

emphasized that additional orders may be forthcoming but, at the moment, 76 days is added to

any limitation that has or will expire between March 17, 2020 and December 31, 2020, and any limitation that ordinarily would expire between January 1, 2021 and March 16, 2021, inclusive, will expire on March 17, 2021. Effectively, this “phases out” the 76-day extension starting at the beginning of 2021. Federal moratoria currently control foreclosure and tenant evictions proceedings.

There is no extension of the time for service of civil case notice currently in effect. IOWA R. CIV. P. 1.302(5) provides that the 90-day deadline for service of the Original Notice may be extended for good cause, which is likely to be found if there is a showing of reasonable diligence.

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KANSAS COVID-19 STATUTE OF LIMITATIONS, ETC.

As of November 24, 2020, all statutes of limitations and statutory time standards or deadlines applying to the conduct or processing of judicial proceedings are suspended in Kansas.

On March 18, 2020, Chief Justice Marla Luckert of the Kansas Supreme Court issued Administrative Order 2020-PR-016 which imposed statewide judiciary restricted operations due to COVID-19 emergency. Paragraph 15 of the order reads as follows:

Effective upon publication of 2020 House Substitute for Senate Bill No. 102, all statutes of limitations and statutory time standards or deadlines applying to the conduct or processing of judicial proceedings is suspended until further order. During the effective dates of this Administrative Order, no action shall be dismissed for lack of prosecution.

On March 19, 2020, 2020 House Substitute for Senate Bill No. 102 was published in the Kansas Register. New section 1(a) of the bill reads as follows:

Notwithstanding any other provisions of law, during any state of disaster emergency pursuant to K.S.A. 48-924, and amendments thereto, the chief justice of the Kansas supreme court may issue an order to extend or suspend any deadlines or time limitations

established by statute when the chief justice determines such action is necessary to secure the health and safety of court users, staff and judicial officers.

The bill also grants the Chief Justice the power to authorize the use of two-way electronic audio-visual communication in any court proceeding. Furthermore, the bill permits any order issued by the Chief Justice pursuant to new section 1 to remain in effect for up to 150 days after a state of disaster emergency is terminated.

The Chief Justice has ordered the continuation of Administrative Order 2020-PR-016 through the following orders:

- Administrative Order 2020-PR-32 issued on April 3, 2020.
- Administrative Order 2020-PR-047 issued May 1, 2020.
- Administrative Order 2020-PR-058 issued May 27, 2020.
- Administrative Order 2020-PR-101 issued September 15, 2020.
- Administrative Order 2020-PR-107 issued October 14, 2020.
- Administrative Order 2020-PR-113 issued November 13, 2020.

The above administrative orders remain in effect until the Chief Justice issues a further order or upon their expiration pursuant to 2020 House Substitute for Senate Bill No. 102.

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EXTENDED STATUTES OF LIMITATIONS DURING THIS TIME OF COVID-19

The following information explains Kentucky's limited tolling period.

On March 6, 2020, Governor Beshear entered Executive Order 2020-215 and declared a State of Emergency in response to COVID-19 in Kentucky. In response to the Governor's Order, on March 17, 2020, the Supreme Court of Kentucky provided Administrative Order 2020-10. The 2020-10 Order specifically provided that emergency matters and "time-sensitive matters" were exceptions to the civil and criminal court cancellations. However, the 2020-10 Order tolled the 20-day preliminary hearing requirement for out-of-custody defendants under RCr 3.10.

Thereafter, most of Kentucky's Supreme Court Administrative Orders continued to be silent on the issue of statute of limitations. Administrative Orders 2020-13, 2020-16, and 2020-22 provide that all criminal and civil cases "with the exception of emergency matters and hearings statutorily required to be held" were postponed or cancelled. Therefore, aside from the orders for out-of-custody defendants, Kentucky did not toll the statute of limitations during COVID-19. The tolling period for out-of-state defendants was tolled on May 31, 2020.

On April 24, 2020, Administrative Order 2020-28 tolled the 60-day period provided in RCr 5.22(3) and any cases required to be tolled by this order were to be presented to the grand jury on or before July 30, 2020. Specifically, RCr 5.22(3) provides the following:

[i]n any event, if a defendant has been held to answer, without being indicted, for longer than 60 days from the finding of probable cause pursuant to RCr 3.14(1), the circuit court shall, upon motion, thereupon make an order discharging such defendant from custody; or, if such defendant is free on bail that has not been forfeited, exonerating such defendant's bail and any conditions thereon or directing a refund of any money or bonds deposited as bail, as the case may be.

In response to a recent spike in COVID-19 cases in the Commonwealth, the Kentucky Supreme Court issued Administrative Order 2020-72, which provided that grand jury proceedings shall be conducted remotely beginning November 30, 2020. In the event the grand jury proceeding cannot be conducted remotely, the 60-day period provide for in RCr 5.22(3) shall be tolled and the matter shall be presented within 60 days of the expiration of Administrative Order 2020-72.

While Kentucky provides for limited statute of limitations tolling, the Commonwealth also allows for extension of filing deadlines. Administrative Orders, 2020-11 and 2020-17, extended appellate deadlines falling between March 16, 2020 and May 1, 2020 by 30 days. On April 28, 2020, Administrative Order 2020-29 extended deadlines for filing of notices, motions, and briefs to the Supreme Court of Kentucky and the Kentucky Court of Appeals between May 1, 2020 and May 31, 2020 by 30 days. All other pleadings, including motions for reconsideration, petitions for rehearing, or responses to disclosures were to be filed within usual timeframes unless a timely motion for extension was granted.

TEMPORARY RULES EXTENDING TIME LIMITS TO SERVE COMPLAINTS AND/OR SPECIAL RULES RELATING TO METHODS OF SERVICE

Under the Kentucky Rules of Civil Procedure, service of a summons is often issued by the clerk upon the filing of the complaint. However, the initiating party may request copies to conduct service on its own, in which case prompt proof of service is required by the court upon completion, or within the 20-day response period of the person served. Kentucky Judges were encouraged to issue summonses in lieu of bench warrants and notices of failure to appear.

As far as special rules for methods of service, there have not been changes made relating to methods of service.

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Tolling of Deadlines:

Louisiana Governor John Bel Edwards issued a Proclamation with the following extension:

“If a deadline in a legal proceeding lapsed during the time period of March 17, 2020, through July 5, 2020, a party shall have the right to seek an extension or suspension of that deadline by contradictory motion or declaratory judgment. The party seeking the extension shall bear the burden of proving that either the party or his attorney was adversely affected by the COVID-19 public health emergency and, but for the adverse effects of the COVID-19 public health emergency, the legal deadline would have been timely met. For good cause shown, the court shall extend the deadline in the legal proceeding, but in no instance shall the extension be later than September 1, 2020.”

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EXTENDED STATUTES OF LIMITATIONS DURING THIS TIME OF COVID-19

As of July 20, 2020, the tolling period in Maryland expired and was not extended. The following information explains Maryland's tolling period.

On March 5, 2020, Maryland Governor Lawrence J. Hogan, Jr. declared a state of emergency due to the outbreak of COVID-19. On March 13, 2020, an Administrative Order was issued by the Court of Appeals that limited operations in all Maryland courts, and then the Court of Appeals issued a subsequent Administrative Order on March 16, 2020 that closed all courts with limited exceptions.

On April 3, 2020, the Court of Appeals issued an Administrative Order on Emergency Tolling or Suspension of Statutes of Limitations and Statutory Rules Deadlines Related to the Initiation of Matters and Certain Statutory and Rules Deadlines in Pending Matters. Pursuant to Maryland Rule 16-1003(a)(7), the Court of Appeals tolled or suspended "all statutory and rules deadlines related to the initiation of matters required to be filed in a Maryland state court" by the number of days that the courts are closed due to the COVID-19 pandemic, effective March 16, 2020. On June 3, 2020, the Court of Appeals issued an administrative order wherein the Court of Appeals clarified its previous order and stated that the days the courts were closed "do not count against the time remaining for the initiation of that matter." The Order also added an additional (15) days to the tolling period upon reopening of the courts.

After being closed for one hundred twenty-six (126) days, the Courts reopened on July 20, 2020, and the tolling or suspension of statutes of limitations has not been further extended. The Court of Appeals most recently issued its Fourth Revised Administrative Order on Emergency Tolling or Suspension of Statutes of Limitations and Statutory Rules Deadlines Related to the Initiation of Matters and Certain Statutory and Rules Deadlines in Pending Matters on November

12, 2020 and stated that even though jury trials were being suspended, the statutes of limitations were no longer tolled or suspended. The Court of Appeals reiterated that statutes of limitations were only tolled or suspended between March 16, 2020 and July 20, 2020 (the days the courts were closed). The Court of Appeals included the following example in its Administrative Orders: “if two days remained for the filing of a new matter on March 15, 2020, then two days would have remained upon the reopening of the offices of the clerks of court to the public on July 20, 2020. With the additional fifteen days, seventeen days would be left for a timely filing, beginning July 20, 2020.”

TEMPORARY RULES EXTENDING TIME LIMITS TO SERVE COMPLAINTS AND/OR SPECIAL RULES RELATING TO METHODS OF SERVICE

Under Maryland Rule 2-507, service of a summons in a Circuit Court proceeding must be made within one hundred twenty (120) days of filing of the complaint or an unserved defendant may be dismissed for lack of jurisdiction, and a defendant in a District Court action may be dismissed for lack of jurisdiction if not served within one year of the last issuance of a summons pursuant to Maryland Rule 3-507. Additionally, an action is subject to dismissal for lack of prosecution one (1) year after the last docket entry.

During the COVID-19 pandemic, any deadlines pursuant to Maryland Rules 2-507 or 3-507 set to expire between March 16, 2020 and July 20, 2020 were tolled under the April 3, 2020 Administrative Order. Under the June 3, 2020 Administrative Order, the tolling period for any Maryland Rule 2-507 or 3-507 deadlines was extended an additional sixty (60) days following the reopening of the courts on July 20, 2020.

As far as special rules for methods of service, there have not been changes made relating to methods of service.

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EXTENDED STATUTES OF LIMITATIONS DURING THIS TIME OF COVID-19

As of June 30, 2020, the tolling period in Massachusetts expired and was not extended. The following information explains Massachusetts's tolling period.

In response to the COVID-19 pandemic, the Massachusetts Supreme Judicial Court, pursuant to its superintendence authority, issued a series of orders which tolled all civil statutes of limitation and all deadlines set forth in statutes or court rules, standing orders, or guidelines, from March 17, 2020 through June 30, 2020. Under the SJC's orders, the same number of days remaining on a statute of limitation as of March 17, 2020 now remain as of July 1, 2020 before the statute of limitation expires. For example, if fourteen (14) days would have remained as of March 17, 2020, then fourteen (14) days will continue to remain as of July 1, 2020 before the statute of limitation expires. An additional effect of the SJC's orders appears to be that a statute of limitation that would otherwise have expired after June 30, 2020 will now be extended by a further 106 days.

In an order issued on June 24, 2020, the SJC stated that all civil statutes of limitation and all deadlines set forth in statutes or court rules, standing orders or guidelines "will not be tolled any further unless there is a new surge in COVID-19 cases in the Commonwealth and the SJC determines that a new or extended period of tolling is needed."

As explained above, the SJC's orders, insofar as they tolled civil statutes of limitation, were effective only through June 30, 2020.

TEMPORARY RULES EXTENDING TIME LIMITS TO SERVE COMPLAINTS AND/OR SPECIAL RULES RELATING TO METHODS OF SERVICE

Under Rule 4(j) of the Massachusetts Rules of Civil Procedure, service of a summons and complaint must be made within ninety (90) days of filing the complaint. During the COVID-19 pandemic, if the ninety-day deadline was set to expire between March 17, 2020 and June 30, 2020 it would have been tolled under the SJC's orders issued on March 17, 2020, April 6, 2020, April 27, 2020, and May 26, 2020, respectively.

Under an order issued by the SJC on March 30, 2020, where a party is represented by an attorney whose email address has previously been provided on papers filed with the court concerning the case, pleadings may be served by email on the attorney of record. If no email address has been provided by an attorney of record, the attorney is required to "promptly communicate" the email address to all other attorneys of record and self-represented parties. Service by email is completed upon hitting "send" or equivalent, unless the person making service has notice that the email was not successfully transmitted. Attorneys of record are required to cooperate in the exchange of pleadings by email to accomplish the purpose of the SJC's March 30, 2020 order. Service of pleadings by email may not be made on a self-represented party unless the party consents in writing, including by email. The SJC's order regarding service by email remains in effect until further order of the Court.

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EXTENDED STATUTES OF LIMITATIONS DURING THIS TIME OF COVID-19

As of June 20, 2020, the tolling period in Michigan expired and was not extended. The following information explains Michigan's tolling period.

On March 23, 2020, the Michigan Supreme Court filed Administrative Order No. 2020-3, and on March 26, 2020, the Court filed Administrative Order No. 2020-4. These orders were intended to work in conjunction with Governor Gretchen Whitmer's Executive Order No. 2020-21, which took effect on March 24, 2020. The Court's orders effectively tolled the deadlines for filing civil and probate cases, and froze the time for filing applications, original actions, brief, answers, replies, and motions in the Michigan Court of Appeals and Michigan Supreme Court.

The Court's orders allowed parties the same number of days to file their documents after the Governor's order expired as the parties would have had when the order was issued. Time periods that would have started while the Governor's order was in effect did not start until Governor's order expired.

On June 12, 2020, the Court rescinded their Orders 2020-3 and 2020-4 effective June 20, 2020, and the filing deadlines for civil and probate cases resumed on June 20, 2020. Cases that began before the Court's orders went into effect had the same number of days to file as when the order went into effect on March 23, 2020. All other cases had the full periods for filing starting June 20, 2020.

As explained above, the duration of Orders 2020-3 and 2020-4 were only effective until June 20, 2020.

TEMPORARY RULES EXTENDING TIME LIMITS TO SERVE COMPLAINTS AND/OR SPECIAL RULES RELATING TO METHODS OF SERVICE

Under Michigan Court Rules of Civil Procedure, service of a summons must be made within 91 days after issuance. Pursuant to Administrative Order No. 2020-9, the deadline for an expiration of a summons were temporarily extended 80 days during the period between March 24, 2020, and June 12, 2020.

The Court also advised in Administrative Order No. 2020-9, that all service of process under Rule MCR 2.107 (C) must be performed using electronic means to the greatest extent possible. Email transmission does not require agreement by the other party during the effective

period of the order. Administrative Order No. 2020-9 is still in effect with regards to performing electronic service under Rule MCR 2.107 (C).

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EXTENDED STATUTES OF LIMITATIONS DURING THIS TIME OF COVID-19

As of November 30, 2020, the tolling period in Minnesota remains extended. The following information explains Minnesota's tolling period.

On April 15, 2020, Governor Tim Walz signed into law HF 4556, which suspended all civil court filing deadlines, statutes of limitations, and other time periods prescribed by state law. Specifically, the legislation tolled statutory deadlines that govern district and appellate court proceedings until 60 days after the end of the peacetime emergency or February 15, 2021, whichever is earlier. 2020 Minn. Laws ch. 74, art. 1, sec. 16. The COVID-19 Peacetime Emergency declared on March 13, 2020, has been extended through December 14, 2020, and may be extended further. Emergency Exec. Order 20-97 (Nov. 12, 2020).

On April 17, 2020, the Minnesota Judicial Branch clarified that although the legislation tolls statutory deadlines, it does not toll deadlines imposed by court procedural rules, such as the Minnesota Rule of Civil Procedure or the Minnesota Rules of Criminal Procedure, including the speedy trial deadlines in Criminal Rules 6.06 and 11.09. The courts also clarified that in the event a timeline is included in both statute and court rule, substantive timelines are governed by statute and procedural timelines are governed by court rules. Further, the appellate courts are authorized to grant reasonable extensions of the deadlines established by court rule to initiate an appeal or a request for review, up to a maximum of 30 days. *Order Governing the Operations of the Minnesota Judicial Branch Under Emergency Executive Order Nos. 20-53, 20-56*, No. ADM20-8001 (May 15, 2020). This authority will be

rescinded effective January 1, 2021. *Order Governing the Continuing Operations of the Minnesota Judicial Branch*, No. ADM20-8001 (Nov. 20, 2020).

TEMPORARY RULES EXTENDING TIME LIMITS TO SERVE COMPLAINTS AND/OR SPECIAL RULES RELATING TO METHODS OF SERVICE

Under the Minnesota Rules of Civil Procedure, service by publication is deemed complete 21 days after first publication. Effective May 18, 2020, for service by publication, the Minnesota Judicial Council approved that the content of the notice may be changed from “appear in court on this date” to “contact court administration by this date.” *Civil Transitional Case Strategies* (ed. May 22, 2020).

Through January 31, 2021, unless required by court rule to file through an electronic case filing system, parties must continue to use U.S. mail, or in the district court, fax, for filings; may use a drop box designated by court administration for in-person filings, if available; and if use is authorized by court administration, may submit filings by e-mail. *Order Governing the Continuing Operations of the Minnesota Judicial Branch*, No. ADM20-8001 (Nov. 20, 2020).

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Mississippi has not extended statutes of limitations rules during this time of COVID-19.

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EXTENDED STATUTES OF LIMITATIONS DURING THIS TIME OF COVID-19

As of November 30, 2020, the tolling period in Nevada was extended. The following information explains Nevada's tolling period.

On April 1, 2020, Governor Steve Sisolak signed Declaration of Emergency Directive 009 (Revised) which tolled all statutorily established time requirements, including statute of limitations, during the COVID-19 emergency.

Pursuant to Declaration of Emergency Directive 009 (Revised), "Any specific time limit set by state statute or regulation for the commencement of any legal action is hereby tolled from the date of this Directive [April 1, 2020] until 30 days from the date the state of emergency declared on March 12, 2020 is terminated."

The directive did not specify what types of cases it applies to. Based on the directive language indicating it applies to "Any specific time limit," its application is broad and should apply to any criminal, civil, or administrative time limitations imposed by the Nevada Revised Statutes and all Nevada regulations.

The state of emergency in Nevada is still in effect. Accordingly, the tolling of the statute of limitations has not yet expired. As a practical matter, we are finding most plaintiff firms are still filing complaints in civil cases within the statute of limitations and are disregarding the directive as a precautionary measure.

TEMPORARY RULES EXTENDING TIME LIMITS TO SERVE COMPLAINTS AND/OR SPECIAL RULES RELATING TO METHODS OF SERVICE

Under the Nevada Rules of Civil Procedure, service of a summons and complaint must be made within 120 days of filing of the complaint. There has been no extension of this deadline by either the governor or the courts. However, plaintiffs can file motions to extend service of process prior to the expiration of the time to serve if good cause exists. Properly documented service issues related to the COVID-19 pandemic will be considered good cause for a timely motion to extend service of process.

As far as special rules for methods of service, there have not been changes made relating to methods of service.

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EXTENDED STATUTES OF LIMITATIONS DURING THIS TIME OF COVID-19

As of May 4, 2020, the Court's orders extending court deadlines and statutes of limitations and repose in New Hampshire expired. The following information explains New Hampshire's extensions to statutes of limitations.

On March 16, 2020, the New Hampshire Supreme Court filed its Order Suspending In-Person Court Proceedings. This order was issued following Governor Chris Sununu's March 13, 2020 emergency declaration. The Court's order extended deadlines set forth in court rules, court orders, statutes, ordinances, administrative rules, administrative orders or otherwise that were set to expire between March 16 and April 6, 2020 to April 7, 2020. The Order further

extended any statutes of limitations or repose that were set to expire between March 16 and April 6, 2020 to April 7, 2020.

Deadlines and statutes of limitations and repose periods were further extended via subsequent Court order on March 28, 2020. By that order, deadlines between April 7 and May 3, 2020 were extended to May 4, 2020.

No further extensions were ordered.

TEMPORARY RULES EXTENDING TIME LIMITS TO SERVE COMPLAINTS AND/OR SPECIAL RULES RELATING TO METHODS OF SERVICE

Under the Rules of the New Hampshire Superior Court, service of a summons must be made by the court-ordered date shown on the Summons packet. Proof of service must then be filed within 21 days following the service deadline. Pursuant to the New Hampshire Supreme Court's Order Suspending In-Person Court Proceedings, any deadline for service of a summons set to expire between March 16 and April 6, 2020 was extended to April 7, 2020. This deadline was further extended to May 4, 2020 via subsequent court order.

As of May 4, 2020, no further extensions to service deadlines were ordered.

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EXTENDED STATUTES OF LIMITATIONS DURING THIS TIME OF COVID-19

As of May 10, 2020, the tolling period in New Jersey expired and was not extended. The following information explains New Jersey's tolling period.

On March 17, 2020, The New Jersey Supreme Court filed an Order which stated that the time period of March 16 through March 27, 2020 shall be deemed a legal holiday for the computation of time periods under the Rules of Court, including under any statute of limitations for matters in all courts. On March 27, 2020, The New Jersey Supreme Court filed an Omnibus Order extending the applicability of various interim measures enacted to that point, including the tolling of statutes of limitations through April 26, 2020. On April 24, 2020, statutes of limitations were again tolled by a Second Omnibus Order of the Supreme Court through May 10, 2020. The tolling of the statutes of limitation concluded on May 10, 2020, as confirmed by the New Jersey Supreme Court's May 28, 2020 Third Omnibus Order. The tolling of statutes of limitations has not been extended beyond May 10, 2020.

TEMPORARY RULES EXTENDING TIME LIMITS TO SERVE COMPLAINTS AND/OR SPECIALS RULES RELATING TO METHODS OF SERVICE

Under the New Jersey Rules of Civil Procedure, a summons must be issued within 15 days of the Track Assignment Notice. The March 27, 2020 Omnibus Order extended the time period for the issuance of a summons to within 60 days of the Track Assignment Notice for notices issued from March 16 through April 26, 2020. Subsequently, in the New Jersey Supreme Court's April 24, 2020 Second Omnibus Order, the time period for issuance of a summons was extended to within 30 days of the Track Assignment Notice for notices issued from April 27 through May 31, 2020.

The New Jersey Supreme Court has relaxed the Rules of Civil Procedure by Order dated April 7, 2020 to permit the electronic service of process by email on the State of New Jersey. This remains in effect.

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New Mexico has not extended statutes of limitations during this time of COVID-19.

New Mexico has not put in temporary rules extending time limits to serve complaints nor special rules relating to methods of service.

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EXTENDED STATUTES OF LIMITATIONS DURING THIS TIME OF COVID-19

As of November 3, 2020, the tolling period in New York expired and was not extended. The following information explains New York's tolling period.

On March 20, 2020, New York State Governor Andrew Cuomo issued Executive Order 202.8 tolling "any specific time limit for the commencement, filing, or service of any legal action, notice, motion, or other process or proceeding, as prescribed by the procedural laws of the state" from the entry of the order through a specified date, which was continually extended by subsequent executive orders. On October 4, 2020, the Governor issued Executive Order

202.67, which continued the tolling period through November 3, 2020, but provided that after that date, the statute of limitations “for any civil case” would no longer be tolled. Executive Order 202.72 expressly confirmed that the tolling period would not be extended for civil cases.

TEMPORARY RULES EXTENDING TIME LIMITS TO SERVE COMPLAINTS AND/OR SPECIAL RULES RELATING TO METHODS OF SERVICE

In response to the COVID-19 pandemic, the Chief Administrative Judge for the State of New York’s Unified Court System issued administrative orders requiring represented parties to commence new matters, proceed in pending matters, and to serve papers *exclusively* by electronic filing through NYSCEF [New York State Courts Electronic Filing System]. Where filing through NYSCEF was unavailable, represented parties were generally required to commence new matters exclusively by mail and to file papers through the Unified Court System’s Electronic Document Delivery System (EDDS) or by mail, and to serve papers (other than commencement documents) by electronic means or by mail.

On November 4, 2020, the Chief Administrative Judge issued AO/267/20 superseding prior orders. The AO permitted parties to “commence new matters and proceed in pending matters by any means of filing and service normally permitted under statute and court rule” with the caveat that “in-person filing by represented parties shall not be permitted in courts and locations where the appropriate Deputy Chief Administrative Judge has concluded that such filing is inconsistent with the health and safety needs of the public and court personnel.” The Chief Administrative Judge “strongly urged [litigants] to avoid in-person filing and service wherever possible during the ongoing COVID-19 health emergency, and to rely instead on NYSCEF, EDDS, and mail filing and/or service, where permitted.”

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EXTENDED DEADLINES DURING THIS TIME OF COVID-19

The following information explains North Carolina's extension of filing and court-related deadlines in response to the public health threat posed by COVID-19.

On March 27, 2020, the North Carolina Supreme Court entered an order pursuant to Article IV, Section 13(2) of the Constitution of North Carolina, which provided that all deadlines imposed by the Rules of Appellate Procedure that fell between March 27, 2020 and April 30, 2020, inclusive of those dates, were extended for 60 days.

North Carolina Supreme Court Chief Justice Cheri Beasley entered a series of emergency orders extending time for filing and other acts due and periods of limitation in the trial courts pursuant to N.C.G.S. § 7A-39(b)(1). The most recent order addressing the general extensions in the trial courts was entered on May 21, 2020, and provided for the following:

Filings in civil cases that were due between March 16, 2020 and June 1, 2020, inclusive of those dates, were timely if filed before the close of business on June 1, 2020. Filings that were due pursuant to statute of limitation or statute of repose between March 16, 2020 and July 31, 2020, inclusive of those dates, were timely if filed before the close of business on July 31, 2020. Filings in criminal matters that were due between March 16, 2020 and July 31, 2020, inclusive of those dates, were timely if filed before the close of business on July 31, 2020.

Additionally, on May 30, 2020, Justice Beasley entered an order clarifying that notices of appeal due to be filed between March 13, 2020 and June 1, 2020, inclusive of those dates, were timely if filed by June 30, 2020.

TEMPORARY RULES EXTENDING TIME LIMITS TO SERVE COMPLAINTS AND/OR SPECIAL RULES RELATING TO METHODS OF SERVICE

Refer to the above explanations regarding extensions of time limits which do not specifically address service but outline all extensions granted for acts due.

On April 2, 2020, Justice Beasley entered an order containing Emergency Directive 6, which provided that service required under Rule 5 of the North Carolina Rules of Civil Procedure may be made electronically on a party or a party's attorney. This emergency directive expired on September 30, 2020. However, on October 1, 2020, modifications to N.C.G.S. § 1A-1, 5(b) went into effect which provide for an electronic filing system and allowance of electronic service.

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North Dakota court orders specifically state that they do NOT toll or extend any statutes of limitation in civil cases, thus North Dakota does not have any statute of limitations rules during this time of COVID-19.

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EXTENDED STATUTES OF LIMITATIONS DURING THIS TIME OF COVID-19

As of July 30, 2020, the tolling period in Ohio expired and was not extended. The following information explains Ohio's tolling period.

On March 27, 2020, Governor Mike DeWine signed Am. Sub. H.B. 197 which tolled all statutorily established time requirements, including statute of limitations, during the COVID-19 emergency. Because of the Constitutional separation of powers, the Supreme Court of Ohio issued an order on March 27, 2020, that tolled the time requirements established by all Supreme Court-promulgated rules.

The Court's March 27th order was intended to work in conjunction with Am. Sub. H.B. 197. All "time requirements" that were set to expire between March 9, 2020 and July 30, 2020 were tolled. As used in the order, "time requirements" is defined as "the time for filing all pleadings, appeals, and all other filings; time limitations; deadlines; and other directives related to time, including non-constitutional jurisdictional deadlines." In effect, the order tolled all litigation deadlines that were due March 9, 2020 through July 30, 2020.

Am. Sub. H.B. 197 and the Court's March 27th order applied to any criminal, civil, or administrative time limitations imposed by the Ohio Revised Code or the Ohio Administrative Code. Both Am. Sub. H.B. 197 and the Court's March 27th order were retroactive to March 9, 2020, the date of Governor DeWine's Executive Order 2020-01D.

On April 14, 2020, the Supreme Court of Ohio issued a second order with the effective date of April 21, 2020. The April 14th order reinstated only the time requirements in the Rules of Practice of the Supreme Court. All other Supreme Court-rule-imposed time requirements remained tolled for the duration of the Court's March 27th order.

As explained above, the duration of the March 27th order was only effective until July 30, 2020.

TEMPORARY RULES EXTENDING TIME LIMITS TO SERVE COMPLAINTS AND/OR SPECIAL RULES RELATING TO METHODS OF SERVICE

Under the Ohio Rules of Civil Procedure, service of a summons must be made within six months of filing of the complaint. During the COVID-19 pandemic, if the six-month deadline was set to

expire between March 9, 2020, and July 30, 2020, it would have been tolled under the Court's March 27th order.

As far as special rules for methods of service, there have not been changes made relating to methods of service.

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EXTENDED CIVIL STATUTES OF LIMITATIONS DURING THIS TIME OF COVID-19

From March 16, 2020 through May 15, 2020, there was a tolling period in Oklahoma affecting the civil statutes of limitations. However, it is not entirely clear whether this tolling period affected only instances in which the statute of limitations *would have* expired during those 60 days, or if there is no such limitation – meaning the statute of limitations in all situations simply paused. The following information explains Oklahoma's tolling period.

On March 15, 2020, Governor Stitt issued Executive Order 2020-07 declaring an emergency in all 77 Oklahoma Counties because of the pandemic. This executive order did not mention the statute of limitations, nor any other aspect of civil procedure or the judiciary more generally. Nonetheless, the next day, referencing the Governor's order, the Oklahoma Supreme Court and the Oklahoma Court of Criminal Appeals jointly issued their First Emergency Joint Order Regarding the Covid-19 State of Disaster, which suspended deadlines and limitations. Subsequently, the two courts issued two additional Emergency Joint Orders Regarding the Covid-19 State of Disaster. The third order, issued April 29, 2020, is the last word as of the date of this memorandum regarding the statute of limitations in connection with the pandemic. *See Third Emergency Joint Order Reg. COVID-19*, 462 P.3d 703, 2020 OK 23.

The orders, especially when read serially, leave themselves open to multiple interpretations. The third order, though, explicitly directs in its fourth paragraph that the period between March 16, 2020 to May 15, 2020 “will be treated as a tolling period.” In most authority, a “tolling period” is treated differently than a “grace period” or “savings period.” If a statute of limitations is “tolled,” this authority treats the “clock” of the limitations period as being “paused” or “suspended.” In other words, if a cause of action accrued on January 1, 2020, and has a five-year statute of limitations, a suit could be timely filed on that cause of action in early March of 2025, because the five year “clock” was paused for 60 days, many years before, during an emergency in 2020.

On the other hand, there are several other indications across the text of the three orders that the high courts did *not* intend to pause or suspend all civil statutes of limitation for all causes of action, but rather intended (as might be seen as more logical in the circumstances) to affect only certain deadlines and limitation periods where the pandemic shutdowns and their more immediate follow-on effects might be hindering courts’, parties’ and their attorneys’ ability to accomplish the day-to-day requirements of litigation.

We simply do not know at this point how available arguments about the interpretation of these unusual and unprecedented orders will play out in the months and years to come.

* * *

Furthermore, the high courts’ emergency orders may raise constitutional issues, especially if they are interpreted to have intended a true sixty-day toll or pause of all statutes of limitation, even those expiring long after the pandemic is over. The orders themselves explicitly state multiple times that their terms are “subject... to constitutional limitations.” The orders *reference* the Governor’s Executive Order, but they do not purport to be issued *pursuant* to that Executive Order (nor would there be any textual basis for such a conclusion). The courts’ orders do not state what grant of authority the courts believe the orders are issued pursuant to. In some states, the legislature has enacted statutes that vest in the state’s highest court (or Chief Justice thereof) the explicit power to suspend the statute of limitations because of an emergency, and

many have done so this year.⁴ None of the long-standing major sets of Oklahoma statutes pertaining to emergencies appear to mention anything about delegating to the judiciary or the executive the authority to alter the statutes of limitation. Nor does any COVID-specific statute enacted this year do so.

Certainly, the courts would not have issued the emergency orders without a good faith belief that they had the proper legal authority to do so. They may well have such authority, even if their effects are far reaching. The adversarial process has not yet tested this question.

* * *

In short, there may be several litigable issues pertaining to the extension of the civil statutes of limitation in Oklahoma during this time of Covid-19.

TEMPORARY RULES EXTENDING TIME LIMITS TO SERVE COMPLAINTS AND/OR SPECIAL RULES RELATING TO METHODS OF SERVICE

There have not been changes made relating to methods of formal service of process.

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EXTENDED STATUTES OF LIMITATIONS DURING THIS TIME OF COVID-19

As of December 2, 2020, the tolling period implemented due to COVID-19 in Oregon has not expired. The following information explains Oregon's tolling period.

⁴ In New York, Governor Cuomo, and not the judiciary, took the formal step of suspending the statute of limitations because of the Covid-19 emergency, but he did so pursuant to a specific statute granting him such power. (N.Y. Exec. Law § 29-a (McKinney)).

During the first special session of 2020, the Oregon legislature passed House Bill 4212 (“HB 4212”). Governor Kate Brown (the “Governor”) signed HB 4212 into law on June 30, 2020. In part, HB 4212 (1) authorizes the Chief Justice of the Oregon Supreme Court to extend or suspend time periods that apply to court proceedings, including most civil matters, (2) authorizes extension or postponement of certain criminal law proceedings; and (3) implements a tolling period for civil actions. HB 4212, §§ 6-7.

Under ordinary circumstances, Oregon law provides a two-year statute of limitations for negligence actions, ORS 12.110(1), and a three-year limit period for wrongful death actions, ORS 30.020(1). However, if the deadline for instituting either action occurs during a COVID-19 emergency as declared by the Governor, or occurs within 90 days after the expiration of such declaration, “the time to commence the action or give notice of the claim is extended to a date 90 days after the declaration and any extension is no longer in effect.” HB 4212 § 7(1).

In other words, any civil claim with a timing requirement to either bring a claim or provide notice that is set to expire during the Governor’s COVID-19 state of emergency will be tolled for an additional 90 days, and the clock on those 90 days will not start until the state of emergency (or any extension thereof) ends. *Id.*

The current COVID-19 state of emergency has been extended “through January 2, 2021, unless extended or terminated earlier by the Governor.” EO No. 20-59 (signed October 27, 2020). Given the language of EO No. 20-59, the final day of the state of emergency is January 2, 2021. This means that the first day of the 90-day extension period would be January 3, 2021. Assuming the state of emergency is not extended further, if a two-year statute of limitations expired on December 31, 2020, then the extended statute of limitations would expire on Wednesday, April 1, 2021— 90 days after January 2, 2020.

HB 4212 is also retroactive to the June 30, 2020 effective date. As HB 4212 provides that it applies to any civil claim where the expiration of the time to commence or give notice of a claim “falls within the time in which **any** declaration of a state of emergency issued by the Governor

related to COVID-19,” HB 4212 § 7(1),(2) (emphasis added), the tolling period thus applies to any civil or notice expiration date during the entire emergency period. Given that Governor Brown first implemented a state of emergency due to COVID 19 on March 8, 2020, this means that even if a civil claim was originally set to expire on March 31, 2020, the claimant will still benefit from the tolling period, and will have until at least April 1 of next year to commence such claim.

TEMPORARY RULES EXTENDING TIME LIMITS TO SERVE COMPLAINTS AND/OR SPECIAL RULES RELATING TO METHODS OF SERVICE

Service of a summons and filing of the complaint must be completed within the applicable statute of limitations. If a claimant serves the summons within 60 days after filing complaint, service date relates back to date of filing of complaint. ORS 12.020(2). During the COVID-19 pandemic, if service of summons deadline was set to expire between March 9, 2020, and December 31, 2020, it would have been tolled under the Governor’s October 27th executive order, EO 20-59.

As far as special rules for methods of service, there have not been changes made relating to methods of service.

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EXTENDED STATUTES OF LIMITATIONS DURING THIS TIME OF COVID-19

The Supreme Court of Pennsylvania's Emergency Orders did not include an automatic tolling period for statutes of limitations. The following information explains Pennsylvania's tolling rules.

On March 16, 2020, the Pennsylvania Supreme Court declared a general statewide judicial emergency, Judicial Administration Docket Nos. 531 and 532. These orders suspended time calculations and time deadlines in trial courts and appellate courts for the purposes of time computation in court cases or other judicial business, through the end of the judicial emergency. This did not toll the statute of limitations for any claims which would have expired during the judicial emergency. These original March 16th Orders declared the judicial emergency through April 14, 2020, which the Court repeatedly extended until its May 27, 2020 Order which announced an end to the judicial emergency on June 1, 2020. This effectively extended deadlines for the filing of answers, replies, briefs, and motions, as well as for service of discovery requests and responses thereto by 78 days.

The Court further declared in a March 18, 2020 Order that all courts of Pennsylvania were closed pending further order of the Supreme Court except for essential functions, which the Court supplemented in a March 24, 2020 order, stating that an essential function of Courts of Common Pleas includes "Commencement of a civil action by *praecipe* for a writ of summons, for purposes of tolling a statute of limitations...." This Order provided that, should attorneys be unable to file a *praecipe* for writ of summons in the appropriate court of common pleas, they may file the same in the Superior Court district corresponding to the applicable court of common pleas. In effect, the statute of limitations for any claim that expired between the March 18th order and the end of the judicial emergency on June 1, 2020 was not be tolled unless a *praecipe* for writ of summons was filed in the Court of Common Pleas or Superior Court prior to the expiration of the limitations period.

As explained above, the duration of the March 16th Order was only effective until June 1, 2020.

TEMPORARY RULES EXTENDING TIME LIMITS TO SERVE COMPLAINTS AND/OR SPECIAL RULES RELATING TO METHODS OF SERVICE

Under the Pennsylvania Rules of Civil Procedure, service of original process within the state must be made within 30 days of the issuance of the writ of summons or the filing of the complaint. The Court's March 24th Order announced that all procedural rules related to the commencement of a civil action, including rules regarding service of original process, were suspended through the end of the judicial emergency. During the pandemic, if the 30-day deadline for original service was set to expire between March 16, 2020 and June 1, 2020, it would have been tolled under the Court's Emergency Orders.

As far as special rules for methods of service, each judicial district was at liberty to approve alternative methods of service.

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EXTENDED STATUTES OF LIMITATIONS DURING THIS TIME OF COVID-19

The Rhode Island Supreme Court has released periodic executive orders addressing the Judiciary's COVID-19 response. On March 17, 2020, the Rhode Island Supreme Court entered its first COVID-19 executive order (No. 2020-04). This executive order not only extended filing deadlines but also provided that "[r]equests for extensions to applicable statutes of limitations necessitated by the current health crisis shall be entertained by the respective courts after thirty (30) calendar days from the date of this order."

In each executive order issued thereafter, the Court has explicitly stated that “[d]ue to the availability of the electronic filing system, statutes of limitations are not tolled and shall continue to run.” As such, the Judiciary has proceeded as usual.

TEMPORARY RULES EXTENDING TIME LIMITS TO SERVE COMPLAINTS AND/OR SPECIAL RULES RELATING TO METHODS OF SERVICE

As of May 30, 2020, all extensions of filing deadlines in the State of Rhode Island expired and have not been extended. The following information explains the Rhode Island Judiciary’s filing deadlines.

In the first COVID-19 executive order entered by the State Supreme Court on March 17, 2020, the Court extended all payment dates and court-imposed filing deadlines by thirty (30) calendar days. On April 8, 2020, the Supreme Court renewed this order, extending payment deadlines indefinitely and extending filing deadlines that would have expired between March 17, 2020, and May 17, 2020, to May 29, 2020.

On May 15, 2020, the Supreme Court entered executive order No. 2020-12 permitting courts to reinstitute payment deadlines and revoking any temporary rules extending filing deadlines. Any future extensions must be made by motion and granted by the court in accordance with the rules of each court.

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EXTENDED STATUTES OF LIMITATIONS DURING THIS TIME OF COVID-19

On April 3, 2020, the Supreme Court of South Carolina issued Order No. 2020-04-03-01 and amended said order on April 14 and April 22. The Order did not establish any duration for

effectiveness, as it explicitly acknowledged that “even conservative estimates indicate the direct impact of this pandemic will continue for many months.”

The Court’s orders did not address extending the statute of limitations. Rather, the Judicial Branch opted to raise the issue with the leadership of the South Carolina General Assembly in section (c)(12). In that section, the Court recognized the existence of judicial authority to toll a statute of limitations in other situations, but acknowledged that it would be inappropriate to intervene as to what relief should be afforded a litigant that is unable to file a civil action due to the emergency.

TEMPORARY RULES EXTENDING TIME LIMITS TO SERVE COMPLAINTS AND/OR SPECIAL RULES RELATING TO METHODS OF SERVICE

Order No. 2020-04-03-01 also condoned service using an AIS (Attorney Information System) email address under section (c)(13) for anything other than a summons, complaint, subpoena, or any pleading or document that is required to be personally served under Rule 4 of the South Carolina Rules of Civil Procedure (SCRPC), or for any document subject to mandatory e-filing under Section 2 of the South Carolina Electronic Filing Policies and Guidelines. A copy of the sent email shall be enclosed with the proof of service, affidavit of service, or certificate of service for that document.

Additionally, all documents served by email must be sent in PDF or similar format unless otherwise agreed by the parties. Also, SCRPC Rule 6(e), which already adds five days to the response time when mailing, shall also apply. Also, lawyers must keep their AIS information current and accurate pursuant to SCACR Rule 410(g) and serve the pleading or paper by another form of service in Rule 5(b)(1), SCRPC along with evidence of the attempt upon learning that service by email was unsuccessful.

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South Dakota has not extended statutes of limitations rules during this time of COVID-19.

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EXTENDED STATUTES OF LIMITATIONS DURING THIS TIME OF COVID-19

On March 13, 2020, the Tennessee Supreme Court issued an Order stating that “Deadlines set forth in court rules, statutes, ordinances, administrative rules, or otherwise that are set to expire between March 13 and March 31, 2020 are hereby extended through April 6, 2020.” Tenn. Sup. Ct. Order No. ADM2020-00428 (Mar. 13, 2020). However, deadlines, statutes of limitation, or statutes of repose not set to expire between March 13 and April 6, 2020 were not extended or tolled. *Id.*

On March 25, 2020, the Tennessee Supreme Court issued a second Order stating that “Deadlines set forth in court rules, statutes, ordinances, administrative rules, or otherwise that are set to expire during the period from Friday, March 13, 2020, through Tuesday, May 5, 2020, are hereby extended through Wednesday, May 6, 2020.” Tenn. Sup. Ct. Order No. ADM2020-00428 (Mar. 25, 2020). As with the previous Order, any deadlines not set to expire between March 13 and May 5, 2020 were not extended or tolled. *Id.*

On April 24, 2020, the Tennessee Supreme Court issued a third Order stating that “Deadlines set forth in court rules, statutes, ordinances, administrative rules, or otherwise that are set to expire during the period from Friday, March 13, 2020, through Sunday May 31, 2020, are hereby extended through Friday, June 5, 2020.” Tenn. Sup. Ct. Order No. ADM2020-00428 (Apr. 24, 2020). As with the previous two Orders, deadlines not set to expire between March 13 and May 31, 2020 were not extended or tolled. *Id.*

On May 26, 2020, the Tennessee Supreme Court stated pursuant to an Order that it anticipates no further extensions of the deadlines previously extended through June 5, 2020. Tenn. Sup. Ct. Order No. ADM2020-00428 (May 26, 2020).

TEMPORARY RULES EXTENDING TIME LIMITS TO SERVE COMPLAINTS AND/OR SPECIAL RULES RELATING TO METHODS OF SERVICE

Under the Tennessee Rules of Civil Procedure, service of a summons must be made within 90 days of the summons being issued, and process must be served within one year of filing of the complaint. Pursuant to the above Orders, if these deadlines were to expire between March 13, 2020, and May 31, 2020, the deadlines would have been extended through June 5, 2020.

As far as special rules for methods of service, there have not been changes made relating to methods of service.

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EXTENDED STATUTES OF LIMITATIONS DURING THIS TIME OF COVID-19

The Texas Supreme Court orders delineated below, specifically addressed the issue of the tolling of the statute of limitations. After the September 15, 2020 extension date, the Texas Supreme Court omitted language contained within the previous orders specifically extending the tolling of the Statute of Limitations. For instance, the 26th order states, “all Texas courts **MAY** modify or suspend any deadlines and procedures...” This differs from the specific language in prior orders explicitly extending the deadline for filing or service of civil cases. Some scholars have interpreted the recent orders to mean the statute of limitations deadlines have been tolled until February 2021. Obviously, that interpretation is subject to argument. The Court clearly extended the tolling of limitations to September 15, but they ceased using the same language; therefore, the stronger argument is that the automatic tolling ended on September 15th and whether the statute of limitations is tolled is now in the individual court’s discretion. This interpretation is supported by the current language of the Twenty-Ninth order—which states any court **MAY** modify or suspend any and all deadlines and procedures.

On March 13, 2020, Governor Greg Abbott declared a state of disaster in response to the threat of the COVID-19 pandemic. As a result of the Governor’s order, the Supreme Court of Texas issued its First Emergency Order Regarding the COVID-19 State of Disaster providing that “all courts in Texas may extend the statute of limitations in any civil case for a stated period ending no later than 30 days after the governor’s state of disaster has been lifted.”

On May 27, 2020, a coalition of bar associations and attorneys sent a letter to the Texas Supreme Court requesting that the Court issue one uniform limitations rule for the entire state.

On April 1, 2020, in its Eighth Emergency Order Regarding the Covid-19 State of Disaster, the Supreme Court of Texas clarified the extension of the statute of limitations by proclaiming:

Any deadline for the filing or service of any civil case is tolled from March 13, 2020, until June 1, 2020, unless extended by the Chief Justice of the Supreme Court. This does not include deadlines for perfecting appeal or for other appellate proceedings, requests for relief from which should be directed to the court involved and should be generously granted.

On April 27, 2020, in its Twelfth Emergency Order Regarding the Covid-19 State of Disaster, the Supreme Court of Texas modified its prior order stating:

Subject only to constitutional limitations, all courts in Texas may in any case, civil or criminal– and must to avoid risk to court staff, parties, attorneys, jurors, and the public– without a participant’s consent: a) Modify or suspend any and all deadlines and procedures, whether prescribed by statute, rule, or order, specifically including those in Section 263.401 of the Family Code and all proceedings under Subtitle E, Title 5, of the Family Code, for a stated period ending no later than 30 days after the Governor’s state of disaster has been lifted.

The Twelfth Emergency order further stated:

Any deadline for the filing or service of any civil case that falls on a day between March 13, 2020, and June 1, 2020, is extended until July 15, 2020. This does not include deadlines for perfecting appeal or for other appellate proceedings, requests for relief from which should be directed to the court involved and should be generously granted.

On June 29, 2020, in its Eighteenth Emergency Order Regarding the Covid-19 State of Disaster, the Supreme Court of Texas extended the suspension of any and all deadlines and procedures in all Texas courts, whether civil or criminal, for a stated period ending no later than September 30, 2020. The Eighteenth Emergency Order further extended any deadline for filing or service of any civil case that falls on a day between March 13, 2020 and August 1, 2020 until September 15, 2020.

On July 31, 2020, in its Twenty-First Emergency Order Regarding the Covid-19 State of Disaster, the Supreme Court of Texas extended until September 15, 2020 the limitations on civil case filing and service of them for deadlines that fall between March 13, 2020 and September 1, 2020.

On September 18, 2020, in its Twenty-Sixth Emergency Order Regarding the Covid-19 State of Disaster, the Supreme Court of Texas stated:

“[s]ubject only to constitutional limitations, all courts in Texas may in any case, civil or criminal, modify or suspend any and all deadlines and procedures, whether prescribed by statute, rule, or order, for a stated period ending no later than December 1, 2020.

Finally, on November 11, 2020, in its Twenty-Ninth Emergency Order Regarding the Covid-19 State of Disaster, the Supreme Court of Texas extended the modification or suspension of any and all deadlines and procedures, whether prescribed by statute, rule or order, for a stated period ending no later than February 1, 2021.

TEMPORARY RULES EXTENDING TIME LIMITS TO SERVE COMPLAINTS AND/OR SPECIAL RULES RELATING TO METHODS OF SERVICE

The Texas Supreme Court orders do not reference service, but guidance has been issued by various state and local courts, including the Supreme Court of Texas, the Courts of Appeal and courts in Bexar, Collin, Dallas, Harris, Tarrant and Travis counties. The guidance states generally that service of process is considered an essential service not subject to stay-at-home guidelines and travel restrictions per the March 28, 2020 *Advisory Memorandum on Identification of Essential Critical Infrastructure Workers during COVID-19 Response* issued by the U.S. Department of Homeland Security (workers supporting the operations of the judicial system). For hand delivered service of process, it is suggested that counsel should consider whether to reach out to the service recipient and their counsel to arrange in-person service that complies with social distancing guidelines. The note also advised that service by certified mail should be used where appropriate.

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Utah Supreme Court Administrative Order of October 2, 2020, dealing with COVID-19 indicates that all filing deadlines remain the same though trial courts are encouraged to grant other extensions of time as to all other matters “liberally.”

- <https://www.utcourts.gov/alerts/docs/20201002%20-%20Amended%20Pandemic%20Administrative%20Order.pdf>.

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EXTENDED STATUTES OF LIMITATIONS DURING THIS TIME OF COVID-19

On March 12, 2020, Governor Northam entered Executive Order Number Fifty-One (2020) Declaration of a State of Emergency Due to Novel Coronavirus COVID-19. On March 16, 2020, the Virginia Supreme Court issued a declaration of a judicial emergency in all district and circuit courts of the Commonwealth of Virginia, pursuant to Va. Code § 17.1-330. The Court's orders effectively suspended all non-essential, non-emergency court proceedings in all circuit and district court and tolled and extended all statutes of limitations and case-related deadlines pursuant to Va. Code § 17.1-330(D).

The Supreme Court issued five additional extensions of the Judicial Emergency Order tolling and extending deadlines. On June 22, 2020, the Virginia Supreme Court issued its Sixth Order extending the Declaration of Judicial Emergency in Response to COVID 19. Therein it extended the Judicial Emergency; however, the tolling period was concluded as of July 19, 2020, and not extended. The tolling of deadlines in Virginia was effectively from March 16, 2020-July 19, 2020 (126 days), with computation of time to resume as of July 20, 2020.

There are no additional or specific temporary rules extending time limits to serve complaints or special rules relating to methods of service. All statutes of limitation and case-related deadlines are subject to the tolling period March 16, 2020-July 19, 2020 (126 days).

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STATUTE OF LIMITATIONS IN WASHINGTON DURING COVID-19

In March 2020, the Washington Supreme Court issued an “Order Regarding Court Operations During COVID-19 Public Health Emergency.” This Order was intended to work alongside Governor Jay Inslee’s “Stay Home, Stay Healthy” order on public health issued on March 23, 2020.

No express order tolling the statute of limitations for civil matters, but most matters were temporarily continued

Neither the Supreme Court’s order nor any other court order directly addressed tolling of the statute of limitations for civil matters. However, the Supreme Court’s Order required all civil jury trials and non-emergency civil motions to be suspended until after April 24, 2020. For trials already in session with a sworn-in jury, the trial may continue at the discretion of the court and agreement of the parties if social distancing and other local public health measures could be observed. Likewise, emergency matters, generally including civil protection and restraining orders, were required to be heard by telephone, video, or other means that do not require in person attendance unless impossible.

Subsequent orders have allowed all civil matters to be heard by means that do not require in person attendance unless strict social distancing measures could be maintained.

The statute of limitations for criminal matters was tolled for 30 days by order of the Governor

For criminal matters by contrast, on April 14, 2020 Governor Jay Inslee issued Proclamation 20-47 which briefly tolled the statute of limitations for prosecutors to file charges pursuant to the statute of

limitations enumerated under Washington’s criminal code in RCW 9A.04.080 until May 14, 2020. This order expired on May 14, 2020 and was not renewed.

Temporary rules regarding time limits to serve complaints

No Court Order or other proclamation has extended the time limits to serve complaints statewide. However, during the COVID-19 pandemic, a number of state organizations and municipalities have modified normal service rules.

On April 10, 2020, Governor Jay Inslee issued Proclamation 20-45, which was followed by the Supreme Court’s “Second Revised And Extended Order Regarding Court Operations” on April 29, 2020. This Order waived requirements for personal service of a petition for a protection order or temporary protection order. This Order also required courts to encourage parties to stipulate in writing to reasonable modifications of methods of service.

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EXTENDED STATUTES OF LIMITATIONS DURING THIS TIME OF COVID-19

As of May 18, 2020, the tolling period for deadlines set forth in the court rules, statutes, ordinances, administrative rules and scheduling orders expired and were not further extended. The following information explains West Virginia’s tolling period.

On March 16, 2020, the Supreme Court of Appeals of West Virginia entered an Administrative Order postponing all hearings scheduled between March 16, 2020, through April 10, 2020, unless they could be held remote, telephonic, other video technology. This Order did not apply to criminal trials in which a defendant’s speedy trial rights would be violated by not having the trial.

On March 22, 2020, the Supreme Court declared a Judicial Emergency. The Court postponed all deadlines set forth in court rules, statutes, ordinances, administrative rules, or scheduling orders which would expire between March 23, 2020 to April 10, 2020, and those were extended to April 11, 2020. This Order did not toll the statute of limitations or statutes of repose that were set to expire after the expiration of the Order.

On April 3, 2020, entered an Amended Order to their March 22, 2020 Order. This Amended Order stayed all jury trials during the time period and all deadlines set to expire between March 23, 2020 and May 1, 2020 were extended to May 4, 2020. However, deadlines set to expire after May 1, 2020, were not tolled by the Amended Order.

On April 22, 2020, entered a Second Amended Order to their April 3, 2020 Amended Order. This Second Amended Order stayed all jury trials during the time period and all deadlines set to expire between March 23, 2020 and May 15, 2020 were extended to May 18, 2020. However, deadlines set to expire after May 15, 2020, were not tolled by the Second Amended Order.

On May 6, 2020, the Supreme Court of Appeals entered its final Administrative Order regarding the resumption of operations. The Court extended the following deadlines:

- Statute of limitations or statutes of repose that would have expired between March 23, 2020 and May 15, 2020 shall expire on May 18, 2020;
- Deadlines that were created by the April 24, 2020 Temporary Order, *see below*, remain unchanged;
- Deadlines set forth by court rules, statutes, ordinances, administrative rules, or scheduling orders that would have expired between March 23, 2020 and April 17, 2020, are extended until May 29, 2020;

- Deadlines set forth by court rules, statutes, ordinances, administrative rules, or scheduling orders that would have expired between April 18, 2020 and May 15, 2020, are extended until June 12, 2020; and,
- Any Statute of Limitations or State or Repose that expired after May 15, 2020 were not tolled.

Following the expiration of the final Administrative Order, the Supreme Court has not created any special rules regarding or extended any further deadlines.

TEMPORARY RULES EXTENDING TIME LIMITS TO SERVE COMPLAINTS AND/OR SPECIAL RULES RELATING TO METHODS OF SERVICE

Under West Virginia Rules of Civil Procedure, service of a summons must be made within 120 days after issuance.

In the Supreme Court's Administrative Order dated April 24, 2020, the Court entered an Order outlining the effects of COVID-19 related issues on litigation and specifically outlined the changes to the *West Virginia Rules of Civil Procedure* and the *Trial Court Rules*. The Court specifically stated that:

Unless expressly suspended or amended in this Temporary Order or the Second Amended Order, the West Virginia Rules of Civil Procedure and West Virginia Trial Court Rules remain in full effect.

Neither the April 24, 2020 Temporary Order nor the Second Amended Order changed, altered, modified the rules of service or methods of service as required under Rule 4 of the *West Virginia Rules of Civil Procedure*. However, the modified deadlines for service of a complaint are outlined in the Section above.

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EXTENDED STATUTES OF LIMITATIONS DURING THIS TIME OF COVID-19

Wisconsin courts, all of which allow parties to file documents and start lawsuits electronically, have remained open for filings throughout the COVID-19 pandemic, and the State of Wisconsin has not extended statutes of limitations during this time. However, as discussed below, the Supreme Court of Wisconsin did order that certain deadlines would be tolled for a limited period of time.

On March 17, 2020, the Supreme Court of Wisconsin entered an order tolling for a period of 21 days: (1) all deadlines in all matters pending in the appellate courts of Wisconsin that would expire between March 19, 2020 and April 3, 2020 and (2) all deadlines for the filing of documents in the circuit courts under Wis. Stat. §§ 809.107, 809.30, and 809.32 that would expire between March 19, 2020 and April 3, 2020, subject to certain modifications. The tolling included, among other things, deadlines for briefs, motions, responses to motions, docketing statements, and statements on transcripts. The order expressly **excluded**: (1) deadlines for the filing of any documents in the circuit courts, including the filing of notices of appeal, and (2) deadlines for the filing of petitions for review in the Supreme Court pursuant to Wis. Stat. §§ 808.10 and 809.62.

By further order of the Court, the tolling period was subsequently modified to extend by 21 days all deadlines that would otherwise expire on or before May 22, 2020.

TEMPORARY RULES EXTENDING TIME LIMITS TO SERVE COMPLAINTS AND/OR SPECIAL RULES RELATING TO METHODS OF SERVICE

On April 13, 2020, recognizing “that under the ... restrictions imposed by COVID-19, individuals without access to eFiling cannot or should not take the steps litigants typically take to

ensure that the Clerk of the Circuit Court or the Clerk of the Supreme Court and Court of Appeals receives and stamps their filings to establish the date on which the court received the document,” the Supreme Court of Wisconsin entered an order creating a “Temporary Mailbox Rule.” Under the rule, documents – except those required to confer jurisdiction on any Wisconsin court - that have been correctly addressed to the appropriate clerk of court and deposited in the U.S. mail or tendered to a commercial carrier, with proper postage and with a Statement of Mailing, will be deemed to have been filed as of the date of the Statement of Mailing. This rule remains in effect at this time.

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Wyoming has not adopted statutes of limitations rules during this time of COVID-19.

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EXTENDED STATUTES OF LIMITATIONS DURING THIS TIME OF COVID-19

On March 13, 2020, the District of Columbia Courts posted an advisory that there would be an upcoming announcement regarding how D.C. Courts’ operations would be changed in light

of the global pandemic known as “COVID-19”. Less than a week later, on March 18, the Joint Committee on Judicial Administration issued an order invoking emergency authority under the D.C. Code to give D.C. Court of Appeals Chief Judge Anna Blackburne-Rigsby and D.C. Superior Court Chief Judge Robert E. Morin the authority to take steps necessary during the public health crisis known as “COVID-19” to toll deadlines and implement operation and procedural changes as needed to best meet the emergency needs of the community while minimizing exposure risk to the greatest extent possible.

Since March 18, 2020, both the District of Columbia Court of Appeals and the Superior Court have issued amended orders and addendums regarding modified court operations and rules during the public health crisis. The following information explains D.C.’s tolling period and other modifications at this time in both the Court of Appeals and the Superior Court. The orders and addendums can be found on the D.C. Courts website’s page, “DC Courts’ Pandemic Operations Information”.

D.C. Court of Appeals

As of May 21, 2020, the D.C. Court of Appeals was no longer suspending or tolling filing deadlines. However, motions requesting extensions of time with respect to filing deadlines for motions, briefs, and other similar filings will be liberally granted consistent with the equities of the case.

Superior Court of the District of Columbia

Since the March 18, 2020 order, the D.C. Superior Court amended the order five more times (March 19, 2020; May 14, 2020; June 19, 2020; August 13, 2020; and November 5, 2020) in order to extend the tolling period. The Superior Court also issued addendums to the order for clarification purposes on March 31 (addressing the tolling of deadlines) and April 1, 2020 (clarify the status of expiration dates for deferred prosecution agreements, deferred sentencing agreements, and probationary terms in pending Criminal and Domestic Violence matters).

As of November 15, 2020, the tolling period in the District of Columbia was extended through January 15, 2021. Procedurally, this means that except as otherwise specified, all deadlines and time limits in statutes, court rules, and standing and other orders issued by the Superior Court that would otherwise expire during the period of this emergency, including statutes of limitations, are suspended, tolled, and extended during the period of the current

judicial emergency. This suspension, tolling and extension will continue as specified in the Order **until at least January 15, 2021**. The Court will provide at least 60 days' notice before ending all suspension, tolling, and extension of deadlines.

For matters pending in the Civil Division, the exceptions to this tolling period are:

- (1) Deadlines applicable to parties represented by counsel in pending cases, **except** deadlines for service of process;
- (2) Discovery-related deadlines applicable to all parties, including parties not represented by counsel;
- (3) For motions filed on or after November 10, 2020, motions-related deadlines applicable to all parties, including parties not represented by counsel; and
- (4) Deadlines in orders issued after March 18, 2020.

This Compendium outline contains a brief overview of certain laws concerning various litigation and legal topics. The compendium provides a simple synopsis of current law and is not intended to explore lengthy analysis of legal issues. This compendium is provided for general information and educational purposes only. It does not solicit, establish, or continue an attorney-client relationship with any attorney or law firm identified as an author, editor, or contributor. The contents should not be construed as legal advice or opinion. While every effort has been made to be accurate, the contents should not be relied upon in any specific factual situation. These materials are not intended to provide legal advice or to cover all laws or regulations that may be applicable to a specific factual situation. If you have matters or questions to be resolved for which legal advice may be indicated, you are encouraged to contact a lawyer authorized to practice law in the state for which you are investigating and/or seeking legal advice.